



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,123	06/15/2001	Licheng Zeng	WDUMR-022US	8259
7590	01/31/2005		EXAMINER	
Stetina Brunda Garred & Brucker-Lowell Anderson 75 Enterprise, Suite 250 Aliso Viejo, CA 92656			ALAUBAIDI, HAYTHIM J	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/883,123	ZENG, LICHENG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Haythim J. Alaubaidi	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 July 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12,21,35 and 36 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12,21,35 and 36 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. This communication is in response to the Amendment filed on June 19, 2004.
2. Claims 1-12, 21 and 35-36 are presented for examination, of which Claim 1 is the only Independent Claim.
3. The Examiner acknowledges the Applicants election of Claims 1-12, 21 and 35-36 without traverse and the cancellation of Claims 13-20, 22-34 and 37-38 without prejudice.
4. Claims 1-12, 21 and 35-36, are directed to non-statutory subject matter.
5. Claims 1-2 and 21, are rejected under 35 U.S.C. 102(e).
6. Claims 3-12 and 35-36, are rejected under 35 U.S.C. 103(a).

***Priority***

7. Applicant's claim for foreign priority under 35 U.S.C. §119(a)–(d) is acknowledged, the Applicant was accorded the benefit of the earlier filing date of May 18, 2001.

***Specification***

8. The abstract of the disclosure is objected to because it is not narrative in form, as it is merely reciting the Claim limitations; and it contains more then one paragraph. Correction is required. See MPEP § 608.01(b).

9. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

#### ***Claim Rejections - 35 USC § 101***

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 1-12, 21 and 35-36, are directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological art. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological art fail to

promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a method claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implication of employing a machine or article of manufacture to perform some of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble. In Bowman (*Ex parte Bowman*, 61 USPQ2d 1665, 1671 (BD. Pat. App. & Inter. 2001) (Unpublished)), the board affirmed the rejection under U.S.C. 101 as being directed to non-statutory subject matter. Although Bowman discloses transforming physical media into a chart and physically plotting a point on said chart, the Board held that the claimed invention is nothing more than an abstract idea, which is not tied to any technological art or environment.

In the present case, claim 1, recites no technological art; in addition, the limitations of Claim 1, merely parsing data in incremental manner, which can be implemented by the mind of a person or by the use of a pencil and paper. In other words, since the claimed invention, as a whole, is not within the technological arts as explained above, the claim only constitute an idea and does not apply, involve, use, or advance the technological arts, thus, it is deemed to be directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-2 and 21, are rejected under 35 U.S.C. 102(e) as being anticipated by Eli Abir (U.S. Patent Application Publication No. 2004/0122656 and Abir hereinafter).

Regarding Claim 1, Abir discloses parsing (Paragraphs [0122], [0123], [0263], [0359] and [0567] unstructured data (Abstract, i.e. *search and retrieval of unstructured text*; see also Paragraphs [0018], [0030]<sup>1</sup>, [0037] and [0068] in incremental manner (Paragraphs [0125], [0152], [0153], [0166], [0170] through [0172])

Regarding Claims 2 and 21, Abir discloses multiple parsing steps (Paragraphs [0121] through [0123] and [0225] consulting an inference engine (Figure No. 3, Element, No. 302, 304 and/or 308).

---

<sup>1</sup> Please note that the Examiner is interpreting the “parsing” according to the Specification of the current Application (please see Page 8, Lines 11-13, i.e. constructing information).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 3-12 and 35-36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Eli Abir (U.S. Patent Application Publication No. 2004/0122656 and Abir hereinafter) in view of Greg Hetherington (U.S. Patent No. 6,272,495 and Hetherington hereinafter).

Regarding Claim 3, Abir reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate the step knowledge base and that it analyzes data at on or more predefined level of analysis. However Hetherington discloses knowledge base (Col 1, Lines 16-24; see also Col 1, Lines 31-38; see also Col 14, Lines 10-20) analyzing data at on or more predefined level of analysis (Col 13, Line 66 though Col 14, Line 21).

Given the intended broad application of the Abir's system, It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Abir with the teachings of Hetherington to include a knowledge base with a motivation that would enable the performance to analyze the data in order to increase the efficiency of such a system by specifying a certain type of data to be

analyzed, as more than one knowledge base can be implemented (Col 13, Line 66 through Col 14, Line 21).

Regarding Claim 4, Hetherington discloses lexical level (Col 22, Lines 10-18).

Regarding Claim 5, Hetherington discloses orthographic level (Col 2, Lines 18-27; see also Col 28, Lines 35-43, i.e. spelling)<sup>2</sup>.

Regarding Claim 6, Hetherington discloses semantic level (Col 10, Lines 24-33).

Regarding Claim 7, Hetherington discloses contextual level (Col 12, Lines 37-49).

Regarding Claim 8, Abir discloses linguistic theory (Abir, Paragraph [0039]).

Regarding Claims 9 and 10, Abir discloses linguistic theory is that of systematic functional linguistic (Abir, Paragraph [0039], i.e. *linguistic theory, which focuses on the semantic value of individual words in the context of other individual words*).

Regarding Claims 11-12 and 35-36 Hetherington discloses attribute data wherein attribute data is name and address (Col 5, Line 64 through Col 6, Line 19; see also Col 7, Lines 33-40; and see also figures 2, 3, 4, 6 and 8-11 and corresponding text).

***Points of Contact***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

*Haythim J. Alaubaidi*

---

Patent Examiner  
Technology Center 2100  
Art Unite 2161  
January 19, 2005



SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

---

<sup>2</sup> Please note that the Examiner is interpreting the "orthographic" according to the Specification of the current Application (please see Page 8, Lines 14-15, i.e. spelling).